

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of NE Colorado-Cellular, d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.	) Application No. 911-022.09 ) ) ORDER APPROVING COSTS IN PART AND INCORPORATING PRIOR DOCKETS ) )
	Entered: May 15, 2007

BY THE COMMISSION:

The Commission approved written requests for funding received November 7, 2002, March 21, 2004, and March 8, 2005, wherein NE Colorado-Cellular, d/b/a Viaero Wireless, Fort Morgan, Colorado, formerly known as Wireless II L.L.C., d/b/a Nebraska Wireless Telephone Company, Grand Island, Nebraska, and Northeast Colorado Wireless, d/b/a Viaero Wireless, Fort Morgan, Colorado, sought funding from the Enhanced Wireless 911 Fund to provide enhanced wireless 911 service to the following public safety answering points (PSAPs): Dawson, Buffalo, Hall, Howard, Keith, Lincoln, Merrick, Custer, Frontier, Gosper, Greeley, Hamilton, Harlan/Phelps, Hayes, Hitchcock, Kearney, Logan, McPherson, Nance, Sherman, Blaine, Loup, Furnas, Red Willow, Blaine, Thomas, Valley, Wheeler, Boone, Holt/Boyd, Hooker, Wayne, Cedar, Antelope, Knox, Rock, Keya Paha, Brown, Garfield, Adams, York, Seward, Webster, Nuckolls, Clay, Cheyenne, Kimball, Banner, Cherry, Keith, Box Butte, Chase, Dawes/Sioux, Dundy, Sheridan, Perkins, Scotts Bluff, Morrill, Garden, Keith, **Deuel**, and Madison Counties.

On September 28, 2006, Viaero Wireless filed a supplemental funding request with respect to Dawson, Buffalo, Hall, Howard, Lincoln, Merrick, Hamilton, Kearney, Harlan, Phelps, Furnas, Red Willow, Nance, Greeley, Wheeler, Sherman, Loup, Blaine, Thomas, Valley, Garfield, Custer, Gosper, Frontier, Logan, McPherson, Hitchcock, Hayes, Franklin, Hooker, Madison, Pierce, Stanton, Boone, Holt, Boyd, Antelope, Wayne, Cedar, Knox, Rock, Brown, Garfield, Keya Paha, Seward, York, Adams, Nuckolls, Clay, Webster, Cheyenne, Deuel, Grant, Arthur, Keith, Chase, Dawes, Sioux, Box Butte, Sheridan, Perkins, Dundy, Cherry, Scottsbluff, Sioux, Banner, Kimball, Morrill and Garden counties for any future implementations. After review of the funding request, several questions arose regarding the costs set forth therein. Information was provided in response to questions regarding the supplemental funding request, and an amended supplemental funding request was filed on May 10, 2007. Both previously approved costs and costs associated with the amended supplemental funding request are set forth in Appendix A attached hereto and incorporated herein by this reference.

Viaero Wireless seeks initial non-recurring costs and recurring costs to implement and provide enhanced wireless 911 service for the above-listed PSAPs. Initial costs were for data circuits, facility charges, engineering labor, database upgrades, project management and other operations costs. Recurring costs were monthly fees for data circuits, facility charges, ongoing engineering labor, database management and project management. Additionally, Viaero Wireless seeks non recurring costs for installation of a redundant network.

#### O P I N I O N     A N D     F I N D I N G S

This Order is being processed pursuant to *Neb. Rev. Stat.* §§ 86-444 to 86-456 (2006 Supp.), 291 Neb. Admin. Code, Chapter 1, Section 5, and Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002.

As an initial matter, the Commission finds consistent with its order entered in Docket 911-022 on July 18, 2006, that all filings and orders entered in Dockets WSP-009, WSP-009.1, and WSP-009.2 shall be incorporated into the present docket by this reference.

Costs requested in relation to this Order are eligible under *Neb. Rev. Stat.* § 86-465(2)(a) (2006 Supp.).

All costs have been incurred or will be incurred to implement enhanced wireless 911 service, and may include the following: (a) the portion of the costs for new equipment used for providing enhanced wireless 911 service; (b) costs to lease another vendor's equipment or services to provide enhanced wireless 911 service; (c) costs to create or maintain any database or database elements used solely for enhanced wireless 911 service; and (d) other costs of establishing enhanced wireless 911 service.

Viaero Wireless submitted an implementation plan in compliance with Commission Docket No. 911-001.

Based upon the request for funding and supporting documentation, the Commission is of the opinion and finds that the request for funding for facility costs related to the equipment, installation and provision of the redundant network should be denied pursuant to the Interim Policy established by the Commission in Application No. 911-017/PI-116, Order Adopting Interim Policy, January 9, 2007. The Commission has not approved funding for backup public safety answering point

centers at this time, and no similar costs have been sought by or approved for any other wireless carrier.

The Commission further finds that the remainder of the funding request should be granted under the following conditions.

Viaero Wireless has already implemented enhanced wireless 911 service in Dawson, Buffalo, Hall, Howard, Keith, Lincoln, Merrick, Custer, Frontier, Gosper, Greeley, Hamilton, Harlan/Phelps, Hayes, Hitchcock, Kearney, Logan, McPherson, Nance, Sherman, Blaine, Loup, Furnas, Red Willow, Blaine, Thomas, Valley, Wheeler, Boone, Holt/Boyd, Hooker, Wayne, Cedar, Antelope, Knox, Rock, Keya Paha, Brown, Garfield, Adams, York, Seward, Webster, Nuckolls, Clay, Cheyenne, Kimball, Banner, Cherry, Keith, Box Butte, Chase, Dawes/Sioux, Dundy, Sheridan, Perkins, Scotts Bluff, Morrill, Garden, Keith, Deuel, and Madison Counties. Funding for these counties pursuant to this Order shall continue.

Attached hereto in Appendix A is a summary of approved funding for Viaero Wireless to be paid from the Fund. All amounts previously approved will be paid according to the amounts set forth in Appendix A. All new approved costs shall be paid consistent with Appendix A effective January 1, 2007. Information set forth in Appendix A shall be treated as proprietary and confidential.

Payment of all recurring charges shall be made in arrears on a quarterly basis. Payment shall be adjusted based upon the number of cell sites reported by Viaero Wireless in its quarterly reports required by Neb. Rev. Stat. § 86-459 (2006 Supp.) Payments to Viaero Wireless will no longer be made upon invoice. The Commission will not approve any increase in Wireless Carrier costs during the effectiveness of the interim policy, which was adopted by the Commission in Application No. 911-017/PI-116, Order Adopting Interim Policy, January 9, 2007. The Commission will continue to consider costs associated with new implementations.

Viaero Wireless shall comply with all reporting requirements set forth in § 86-459. Failure to do so could result in delay or loss of funding.

The Commission further finds that Viaero Wireless is hereby put on notice that approval of the funding pursuant to this Order is made with the understanding it may be modified in the future consistent with the permanent funding mechanism established pursuant to LB 1222 (2006).

Should Viaero Wireless wish to be heard by the Commission regarding those portions of the funding request related to the redundant network, it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all filings and orders entered in Dockets WSP-009, WSP-009.1, and WSP-009.2 shall be incorporated into the present docket by this reference. All future funding requests filed by Viaero Wireless shall be filed in the present docket.

IT IS FURTHER ORDERED that Viaero Wireless's funding should be granted as outlined herein.

IT IS FURTHER ORDERED that all future payments made to Viaero Wireless after the effective date of this order shall be consistent with Appendix A unless otherwise ordered by the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of May, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director